REMARKS/ARGUMENTS

Claims 1 through 3, 6 through 40, 42 through 53, and 55 through 59 are pending in the Application. Claims 4, 5, 41 and 54 have been canceled without prejudice. Claims 1, 6, 7,12, 30, 40, 42, 43, 51, and 55 through 57 have been amended.

There are three independent claims, claims 1, 40 and 51, pending in the Application, as follows (emphasis added):

1. An apparatus for installing an implant in a hollow body organ having a vessel wall, including:

means for transporting said implant into said hollow body organ;

a removable expansion assembly releasably engageable with said implant, said removable expansion assembly including a plurality of peripheral struts extending **parallel to a longitudinal axis** and spaced angularly thereabout, said struts including like proximal ends, said **proximal ends being free of mechanical connection**;

means for dilating said expansion assembly and expanding a portion of said implant against said vessel wall;

means for fastening said portion of said implant to said vessel wall of said organ while said expansion assembly holds said portion against said vessel wall;

means for collapsing said expansion assembly and releasing said portion of said implant.

40. A removable expansion assembly for dilating a surgical implant within a hollow body organ, including:

a plurality of peripheral struts, said struts extending **parallel to a longitudinal axis** and spaced angularly thereabout and including like proximal ends, **said proximal ends being free of mechanical connection**;

said plurality of peripheral struts being removably disposed within said surgical implant;

means for urging said peripheral struts to expand radially outwardly from said longitudinal axis, whereby said surgical implant is dilated.

51. A fastening assembly for joining a surgical implant to a hollow body organ having a vessel wall, including:

a fastener member adapted to be inserted within said implant;

at least one flexible tie connector extending from said fastener member;

needle means for containing said fastener member and flexible tie connector; and means for driving said needle means through the exterior of said vessel wall to pierce said vessel wall and said implant.

means for winding said at least one flexible tie connector about a winding axis; whereby said implant and said vessel wall are clamped together between said fastener member arid said external portion of said at least one flexible tie connector.

Both claim 1 and claim 40 require peripheral struts that remain parallel to the longitudinal axis of the removable expansion assembly when the proximal ends are free from mechanical connection. Applicant notes that the device described in Lenker, shown in FIG. 23B, has spring biased struts, having ends that spring radially outward when released from the end cap; see Col. 12:1-10. This serves to release the prosthesis contained within the struts in Lenker, but also risks perforating the vessel or oragn in which it is deployed. By contrast, Applicant's expansion assembly is used to expand the graft against the lining of the vessel or organ prior to affixing the graft to the vessel or organ and thus is disposed inside the graft when deployed. See, e.g., Fig. 6. Accordingly, the struts are designed not to expand outward via spring action, which, as noted above, risks perforation, but by the mechanical action of moving the end cap, containing the proximal ends of the struts, toward the distal end of the assembly. See, e.g., Figs. 19 and 20. When free of mechanical connection, the struts of the present device remain generally parallel to the longitudinal axis of the assembly, facilitating their easy withdrawal from the graft and back into the tube.

Claim 51 requires a winding means for winding at least one flexible tie connector about a winding axis to thereby clamp an implant to a vessel wall. Applicant notes, as

the Office action acknowledges, that Mueller does not disclose a winding means as recited above in Mueller's fixation device. Nonetheless, the Office action asserts that the teaching of Haber, when considered with Mueller, renders Applicant's fixation device obvious. Applicant respectfully submits that the action fails to make a prima facie case of obviousness.

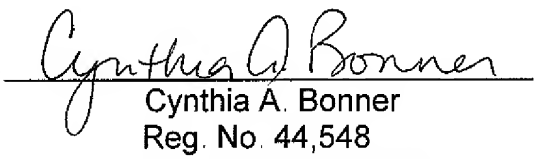
Haber teaches a device in which "[t]he reciprocal movement of trigger 78 causes tip assembly 10 and needle 93 to move in opposite rotary directions. See FIGS. 6, 6A and 6B. In the preferred embodiment this movement is through an arc of about 240°. Only when needle 93 is moved in the appropriate rotary direction, clockwise in FIG. 6, will the needle pierce tissue 128." Col. 4:8-20. The Office action makes no showing of a teaching or suggestion for combining the rotating needle of Haber with the fixation device of Mueller. Accordingly, Applicant respectfully submits that no prima facie showing of obviousness has been made. See MPEP §2143.01.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Accordingly, reconsideration of the application and allowance of claims 1, 40 and 51, and claims 2 through 3, 6 through 39, 42 through 50, 52, 53 and 55 through 59 depending therefrom, are respectfully requested. Applicant also respectfully submits that the features, e.g., parallel struts having proximal ends free of mechanical connection, are merely exemplary and/or illustrative and does not disavow any claim scope or define any elements or terms in the claims in such a way other than as recited or provided in the claims and their equivalents. Likewise, any

characterization of the features in relation to the claims are merely exemplary and/or illustrative and thus Applicant does not disavow any claim scope or specially define any elements or terms in the claims in such a way other than as recited or provided in the claims and their equivalents. If the Examiner should have any remaining questions or objections, a telephone interview to discuss and resolve these issues is respectfully requested.

Sincerely

APPLIED MEDICAL RESOURCES

BY 

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